

**New Year reflections and feedback to Welsh councils  
from Home Ed Cymru  
Jan 2026**

At the start of this New Year, we at Home Ed Cymru trust it will again be helpful to engage and reflect on the experiences of home educators in Wales.

We look forward to your thoughts and trust they will be received in the spirit in which they are sent, of understanding the experiences of home educators in Wales to ensure optimal practice and approaches. Point 2.27 of the 2023 Welsh Government guidance on EHE advises that *“home education organisations and home-educating parents and children should be involved in the review process”* of local policies and practices.

1. It is encouraging that Welsh LAs generally appreciate that **visits and meetings** are not a lawful requirement, nor are they necessary for council staff to fulfil their remit as part of any informal enquiries they may choose to make.
  - a. However, one repeated source of consternation and exasperation for home educators, as well as confusion for those new to home education, is **when councils issue communications to families announcing a meeting or visit as if it “will” be happening**.
  - b. It is highly misleading to do so, especially when coming from an “official” source. It can either “trick” people into accepting these without truly informed consent or provide increased weight for any existing sense of mistrust and suspicion of the aims and conduct of councils and their staff. After all, misrepresentation of requirements does give pretty good grounds for questioning whether the source can be trusted.
  - c. The council could find themselves in an interesting situation if legal action were instigated against a family based on information gathered via questionable means, including providing misleading communications.
  - d. It is therefore essential that any communication issued by council departments to home educators are fully transparent and not misleading. If a council chooses to offer visits or meetings, then it must ensure that these are based on fully informed consent. It must be made very clear that this is purely voluntary and, crucially, there will be no negative repercussions for declining such an offer, to avoid any appearance of intimidation or coercion. It must be made clear that there are other equally valid ways to respond to informal enquiries.
  - e. Likewise, should councils choose to send any “forms” to families as part of their informal enquiries, it must be very clear in any communications

that these are a completely voluntary and optional way of communicating. It would be helpful to reflect on why many families choose not to use these forms because of questions of appropriateness of their content, as well as how many families may have only used these because they thought they were required to.

- f. All communications should reflect the instruction given in the Education Workforce Council in Wales' code of conduct that council staff behave "**honestly, ethically, and with integrity**".
2. Likewise, it is encouraging to see that it is generally appreciated that there is no lawful basis to insist on seeing "**samples of work**", let alone to somehow inspect children "producing" these.
- a. However, it is of concern that there are occasions, thankfully very much as the exception, where the appearance is given in communications that the families are somehow required to provide "samples of work". This, of course, is not acceptable and would be coercive and misleading practice. In the few instances where this has happened there is a need for swift review and change of practice and approach. Not only is this a clear overstep of lawful practice and requirements, such a practice would again give the appearance of coercion, and therefore damage trust rather than facilitate healthy communication.
  - b. Not only is the provision of "samples of work" not a legal requirement, it is also not necessary for the council to fulfil its remit of identifying children who are not in receipt of a suitable education. Should a council believe it requires information to establish that a child is not missing education, then written descriptions of examples provided by the parent provides far more meaning and context and are more than sufficient to demonstrate that it does not "appear" that the child is missing education.
  - c. To try to insist on provision of "samples of work" is to imply that the word of the parent is not trusted. This would obviously be insulting to loving parents and further **undermine trust**, unnecessarily inhibiting healthy communications.
  - d. Requesting "samples of work" also indicates a **lack of understanding** of home education. It is helpful to reflect that there is no requirement for learning experience to be some form of separately allocated "work", and many effective approaches to home education purposefully avoid such a concept.
  - e. The Welsh Government have confirmed that there is no duty on parents to evidence education. In response to any informal enquiries under S436A of the Education Act 1996, a simple written response from parents

confirming that the child is home educated rather than missing education is more than sufficient to conclude such enquiries.

3. We trust that council staff appreciate that there is no lawful basis to insist on “**monitoring**” or “oversight” of home educating families.
  - a. It would, of course, be a significant overstepping of lawful remits for any local policy to include such a concept, and if councils have inadvertently allowed such terminology and concepts to slip into written policy or in person practice, then this is something that clearly needs to be rectified to ensure that council practice is only within the appropriate lawful remits.
  - b. Likewise, there is no “*duty to ensure every child has a suitable education*”. There is no lawful remit to oversee home education provision. The only lawful remit that intersects with the lives of home educators is the duty to establish the identities of children who are not being educated and a reactive duty to act only “*if it appears*” this is the case. There is no lawful educational duty for the council to intervene or attempt to oversee/monitor when a child is home educated and not a child missing education. Understanding of this vital difference between the actual remit of the council and any mistakenly presumed role of monitoring or overseeing home education provision must be paramount in the approach of any council staff to home educators.
  - c. There is no lawful remit for councils to be “**approving**” home education or giving permission to do so (outside of deregistration from special schools). **Parents are the determiners of suitability**, not the council. The responsibility for the provision of a suitable education, and therefore the determination of what is suitable, legally lies with parents not the council, as per the Education Act of 1996. Should there be a difference of opinion between parent and council staff on whether a child is receiving a suitable education, the final decision does not lie with the council. In such a situation, if the council were to persist in any disagreement with the parents, the decision would ultimately lie with a court of law.
  - d. It is appropriate practice for council staff to **swiftly reply** when parents provide written responses to informal enquires by noting that the child is not CME and therefore not under the council’s remit. Technically, of course, there is no requirement for councils to respond when they are aware that a child is EHE and not CME, because the lawful remit relates only to CME and because parents do not need approval or permission to home educate. However, it is of course at the very least courtesy to do so when the parent has taken time to help the council fulfil its lawful remit of identifying children who are not in receipt of a suitable education by confirming that their children are receiving education. Such a prompt and simple responses avoid the unnecessary stress of parents wondering if

there will be further communications or difficulties from the council and help demonstrate trustworthiness and reliability.

Ensuring that it is swiftly noted that a child is not CME is also helpful to council staff to avoid any future confusion, especially if there is a change of staff.

However, such replies should not imply that written responses from parents are some form of application for approval to home educate, simply to confirm that the child is not under the council's remit of being CME.

4. It is vital that home educators are involved in the decision making behind local practices, especially in the use of resources funded by the taxpayer. After all, home educators are the ones in the best positions to be able to explain what would be of most benefit to them.
  - a. The diversion of funding to, for example, **attempt to monitor** or oversee home educators, where there is no lawful remit to do so, would clearly be a misuse of taxpayers' money, as well as inappropriate conduct.
  - b. Making decisions **without first engaging** with home educators, resulting in the use of funding for measures that are not of benefit to home educating families, would result not only in the **waste** of taxpayers' money but also deprives home educated children and young people of measures that could be of significant benefit.
  - c. It is vital that the council **does not undermine access to enriching experiences by making itself the access point for these**. If educational or social experiences can only be accessed directly via the council, or if the council requires notification of the personal details of those involved, then the council has slipped from providing any genuine offers of support into the mistaken role of overseer or provider. Situations where this has occurred have caused considerable concern within local home educating communities and increase levels of mistrust. Any offers of support should be to empower the community to function healthy by itself without the council being required to be intermediaries or overseers.
  - d. A key promise from the 2023 Welsh Government guidance was of **improved access to local exam centres** for those who wish to use these. It is vital to appreciate that for any exam centre access to be truly suitable for home educators, it must be able to accommodate access to all major exam boards, not only WJEC, so that exams are available for a broad range of subjects in international GCSEs which do not have non-examination components. Access to examination centres is not adequate or suitable without this. Likewise, any examination centre must be able to offer the full range of access arrangements required by children and young people in the local community to avoid discrimination against those with additional needs.

5. It is also encouraging to note that the vast majority of LAs understand that formal enquiries and the issuing of legal measures such as Notices to Satisfy or School Attendance Orders are measures of last resort to only be used in very exceptional circumstances, with education presumed to be suitable unless there is good reason to believe otherwise. However, research by the charity Educational Freedom has shown concerning figures on the use of these measures in a tiny minority of Welsh LAs. Reflection on this research, which can be readily accessed via these links, would, we are sure, be very beneficial.  
[https://educationalfreedom.org.uk/forced-compliance.../...](https://educationalfreedom.org.uk/forced-compliance.../)  
<https://educationalfreedom.org.uk/home-education.../>
6. It is also encouraging to see that the vast majority of LAs understand that deregistration from mainstream education is an instruction with immediate effect, not a request nor a process. We are aware of one council where a manager attempted to encourage head teachers to delay deregistration, which would encourage the heads to act unlawfully, but we trust that this will no longer be the case.
7. We trust that managers will appreciate that referring to home educated children as “**our** children” or “**our** families” is not appropriate or acceptable. The use of the possessive “**our**” connotes a paternalistic or even condescending approach and suggests at a colonialist-style conceptualisation of families within that geographical region. Children do not belong to the council or its staff (unless they have been placed into care). Words do indeed carry power, and it is so important on how the use of such terms can not only indicate sometimes unconsciously held biases or attitudes but can also perpetuate them. We trust it is helpful to reflect on the use of such wording.

**Thus, in conclusion, as we move into 2026, we trust that**

1. **All communications will be transparent, respectful and lawful, providing the full range of information required for informed consent.** If options such as meetings are to be offered to families, then communications must clearly convey that these are purely voluntary, that there would be no negative repercussions for declining such an offer and that there are in fact a range of ways for families to respond to any informal enquiries.

It is essential to ensure any correspondence is clear, respectful, transparent and contains all necessary information and options in order to

- a. respect the principles of informed consent
- b. ensure approaches to home educators are non-coercive
- c. ensure that families do not feel misled or misinformed, to avoid creating a climate of mistrust.

- d. to reduce the risk of confusion and the mistaken presumption of parents not engaging if they choose to communicate in a way not offered in any contact letters. For example, to reduce the risk of presumption of failure to engage if parents exercise their lawful rights to decline some form of “meeting” or “visit”.
2. **Local policy will reflect lawful remit and not overstep this.** There is no lawful remit to “monitor” home educating families and giving staff the impression that there is such a remit or role is extremely problematic and counterproductive to the council fulfilling its actual responsibilities.  
May we take the opportunity to direct your attention to the email sent to all LAs in Wales by Home Ed Cymru on 4<sup>th</sup> February 2024, addressing the significant concerns with the **non-statutory, unpublished and outdated supplementary materials** produced by Welsh government. It is of concern that some of these materials seem to have occasionally made their way into local council policies, despite warnings of how, if used as written, these draft templates risk causing council employees to act in a way that is not only misleading but unlawful.
  3. **Policy and practice of the council and its staff as public servants will be based on the input of those with lived experience, namely home educators.**  
It is vital to ensure that **local home educators** are involved not only in providing **constructive feedback** but in the **actual development of policy and practice** to avoid the inclusion of inappropriate and counterproductive content in local policies. This is obviously most productive at the **drafting stage** prior to publication. **Good practice dictates the involvement of those with lived experience in development of any council policies and practices that affect them.** Indeed, point 2.27 of the 2023 Wales guidance on EHE confirms that home educators should be involved in reviewing local procedures and practices. This approach can help address any potential inaccuracies, readily demonstrate any positive or negative impacts on families, and also highlight how both tone and content of any policies may be perceived by the home ed community, to facilitate true transparent and productive communication. We trust that councils will seek to engage positively and productively with home educating groups and families.

A final, and we trust helpful area of consideration for council staff and management are the significant concerns that have been expressed by many in relation to the Welsh Government’s “CME” database proposals, with bodies including the British Medical Association and the General Medical Council expressing strong concerns in relation to ethics, endangerment of children and lawfulness.

We would again encourage LAs to consider the unethical and counterproductive nature of these proposals, alongside the very considerable measures and mechanisms that need to be in place to handle the significant volume of data required of these databases.

**In the interests of ensuring that this process is fully transparent and as safe as possible, we request that each LA to share with us any and all measures and plans you have in relation to these databases.**

We look forward to hearing your feedback and thoughts on these points. In addition, if you wish to meet to discuss any of these, please do not hesitate to contact us. May we take this opportunity to wish you all a happy and peaceful 2026.

Kind regards,

Home Ed Cymru